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December 6, 2021

By ECF

Hon. Stewart D. Aaron
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl St
New York, NY 10007

**Re: Pagan v. C.I. Lobster Corp., et al.
No. 20-cv-7349 (ALC)(SDA)**

Dear Judge Aaron:

As you know, we represent Plaintiff and the putative class in the above-referenced matter and we write to request sanctions against Defendants – including striking their pleadings – for failure to provide court-ordered discovery.

On November 17, 2021, Plaintiff wrote to the Court regarding Defendants' failure to provide all discovery pursuant to the Court's Order dated October 7, 2021, including class-wide payroll records that could not be matched to time records by employee ID; paystubs; notices of tip credit; descriptions of job duties and/or titles for all putative class members; and documents sufficient to show Defendants' policies regarding wage and hour notices and reporting time. In his November 17, 2021 letter, Plaintiff asked the Court to set a deadline of one week for Defendants to supplement their production, which the Court granted as unopposed, ordering production by November 29, 2021, or Monday of last week. *See* Dkt. No. 71.

To date, Defendants have still failed to provide supplemental discovery, in violation of yet another Court order. Accordingly, pursuant to Fed. R. Civ. P. 37(b)(2), Plaintiff requests that the Court strike Defendants' pleadings, find Defendants and their counsel in contempt of the Court's Order dated November 23, 2021, and order any other further relief as the Court deems just and appropriate.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Finn Dusenbery
Finn Dusenbery